

Adjudication

Consequences of Not Funding this Program

Health Care Providers would not be properly represented, patients would not receive appropriate compensation, and the Board of Governors would likely be held in contempt of court.

Statutory Basis	Mandatory vs. Mandatory	MOE/Match Rqt.	Priority Level
Specific K.S.A.40-3403		No	1

Program Goals

- A. To assure appropriate representation and advocacy in the event of a claim against a health care provider.
- B. In the event the courts determine that an injured patient should be compensated, to assure the appropriate compensation is provided in a timely manner.

Program History

The Health Care Provider Insurance Availability Act, KSA 40-3401 et seq was enacted July 1, 1976. The Act was specifically cited by the KS Supreme Court in October 2012 in the case of Miller v. Johnson supporting the Legislature's authority to enact tort reforms.

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
1. Number of claims closed	A	549	524	421	-	542	500	500	496
2. Expenditures (claim payments for settlements and awards) (in millions)	B	\$28.9	\$27.7	\$21.5	\$28.7	\$31.6	\$30.1	\$31.0	\$ 26.9

Funding

<i>Funding Source (in millions)</i>	<i>Actuals</i>	<i>Actuals</i>	<i>Actuals</i>	<i>Approved</i>	<i>Actuals</i>	<i>Est.</i>	<i>Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	28.9	27.7	21.5	28.7	31.6	30.1	31.0	26.9
Federal Funds	-	-	-	-	-	-	-	-
Total	\$ 28.9	\$ 27.7	\$ 21.5	\$ 28.7	\$ 31.6	\$ 30.1	\$ 31.0	\$ 26.9

* Expenditures directly reimbursed by SGF pursuant to K.S.A. 40-3403(j) (3) (in millions)	\$ 2.6	\$ 1.0	\$ 1.3	\$ -	\$ 2.0	\$ 2.1	\$ 2.0	\$ 1.4
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FTE	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
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Medical Professional Liability

Consequences of Not Funding this Program

Practitioners would not be able to be licensed to practice, which could result in individuals practicing without a violation or not practicing, leading to a sharp decrease in crucial services to the citizens of Kansas.

Statutory Basis	Mandatory vs.	MOE/Match Rqt.	Priority Level
Specific K.S.A. 40-3402	Mandatory	No	1

Program Goals

A. To assure that all health care providers as defined in K.S.A. 40-3401 and maintain adequate professional liability coverage as required by K.S.A. 40-3402.

Program History

The Health Care Provider Insurance Availability Act, KSA 40-3401 et seq was enacted July 1, 1976. The Act was specifically cited by the KS Supreme Court in October 2012 in the case of Miller v. Johnson supporting the Legislature's authority to enact tort reforms.

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Number of Insurance Companies offering PLI to KS health care providers.	A	31	32	32	35	35	35	35	33
2. Number of health care providers as of July 1 of fiscal year	A	15,992	14,741	15,474	17,013	17,013	16,983	16,998	15,743
3. Net surcharge revenue collected (in millions)	A	\$ 27.7	\$28.7	\$ 35.0	\$0	\$24.4	\$ 28.5	\$29.0	\$29.4

Funding

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	33.1	37.8	55.6	30.8	27.2	30.8	29.4	40.2
Federal Funds	-	-	-	-	-	-	-	-
Total	\$ 33.1	\$ 37.8	\$ 55.6	\$ 30.8	\$ 27.2	\$ 30.8	\$ 29.4	\$ 40.2
FTE	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0